IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 16476 of 2006

Date of Decision :7.5.2007

Shiv Sham Singh

...Petitioner

Versus

State of Punjab and others

...Respondent.

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR
HON'BLE MR. JUSTICE RAJESH BINDAL

Present : Mr. O.P. Kamboj, Advocate
for the petitioner

Mr. M.P. Goswami, DAG, Punjab
for respondent No. 1

Mr. Vikram Walia, Advocate
for respondent Nos. 2 to 4

M.M. KUMAR, J.(ORAL)

It is admitted that the petitioner is not being paid full salary and his half salary has been detained every month since November 2002 till the date of filing of the petition and thereafter. The petitioner has sought a direction to the respondent that his full salary be released because neither any charge-sheet nor any enquiry or orders have been passed in that regard. The respondents have filed a written statement and there is no denial of the fact that any order imposing the cut in his salary has been passed or that any enquiry is pending against the petitioner. The only defence taken is that there are certain instructions issued by the General Manager, Punjab Agro Industries Corporation Limited, Chandigarh on 23.7.2001 and 30.8.2001 (R2 and R3) which authorises making recovery in case of shortage in the wheat stock. However, there is no order showing the shortage of wheat stock in respect of the petitioner.

After hearing the learned counsel, we find that the action of the respondents in paying 50% of the salary to the petitioner is absolutely unwarranted and unsustainable in the eyes of law. Accordingly, the same is hereby set aside and respondents are directed to release the remaining unpaid half salary to the petitioner w.e.f. November 2002 till the date it is payable. The needful shall be done within a period of one month from the date of receipt of copy of this order. The petitioner is entitled to cost, which is assessed at Rs. 10,000/-.

Writ petition stands disposed of.

Copy of the order be given dasti.

(M.M. KUMAR)
JUDGE

(RAJESH BINDAL)
JUDGE

May 7, 2007
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